

## APPLICATION FOR MODIFICATION ASSESSMENT REPORT

<b>Application Number:</b>	Mod2015/0246
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<b>Responsible Officer:</b>	Luke Perry
<b>Land to be developed (Address):</b>	Lot 100 DP 1015283, 145 Old Pittwater Road BROOKVALE NSW 2100
<b>Proposed Development:</b>	Modification of Consent DA2008/1741 granted for Partial demolition of existing buildings, construction of an extension to the Warringah Mall including two levels of retail floorspace, a multi-level car park and associated stormwater works.
<b>Zoning:</b>	LEP - Land zoned B3 Commercial Core LEP - Land zoned IN1 General Industrial
<b>Development Permissible:</b>	Yes - Zone B3 Commercial Core Yes - Zone IN1 General Industrial
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Warringah Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	AMP Warringah Mall Pty Ltd Scentre Management Ltd
<b>Applicant:</b>	Scentre Group Ltd

<b>Application lodged:</b>	02/11/2015
<b>Application Type:</b>	Local
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	12/11/2015 to 27/11/2015
<b>Advertised:</b>	Not Advertised, in accordance with A.7 of WDCP
<b>Submissions:</b>	0
<b>Recommendation:</b>	Approval

### ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (upto the time of determination) by the applicant,

persons who have made submissions regarding the application and any advice provided by relevant Council / Government / Authority Officers on the proposal.

## SUMMARY OF ASSESSMENT ISSUES

Warringah Development Control Plan - G4 Warringah Mall

## SITE DESCRIPTION

<b>Property Description:</b>	Lot 100 DP 1015283 , 145 Old Pittwater Road BROOKVALE NSW 2100
<b>Detailed Site Description:</b>	<p>The site is described as Lot 100, DP 1015283, 145 Old Pittwater Road, Brookvale. The site is occupied by the Warringah Mall Shopping Centre which is commonly known as 'Warringah Mall'.</p> <p>The site has an area of 170,600m<sup>2</sup>. It is bounded to the north by Cross Street, to the south by Old Pittwater Road and to the East by Condamine Street / Pittwater Road. The principal street frontage is to Condamine/ Pittwater Road and secondary street frontages are to Old Pittwater Road and Cross Street.</p> <p>Warringah Mall has a total floor area of 127,838m<sup>2</sup> with a provision of 103,400m<sup>2</sup> of enclosed retail floor space provided mainly over two levels with some areas three levels.</p> <p>Warringah Mall accommodates Myer and David Jones department stores, Big W and Target discount department stores, Woolworths and Coles supermarkets, 15 mini-major tenants (floor space greater than 400m<sup>2</sup>) and 239 retail speciality shops.</p> <p>Warringah Mall includes an entertainment precinct incorporating a nine screen Hoyts Cinema Complex as well as the Body Shape Female Fitness Centre and some other nonretail facilities.</p> <p>The site is extensively built upon with bituminised and concrete hard surface areas located around the perimeter of the building to facilitate car parking and traffic flow. It has a total of 4,468 car spaces with 2,998 open-air spaces and 1,470 under cover spaces.</p> <p>Warringah Mall provides a mix of indoor and outdoor spaces that are suitable for the surrounding coastal community and setting.</p>

Topographically, the site has a gradual natural slope that falls from the north-west to the south-east of the site.

Vehicle access to the site is currently available at various locations along Pittwater Road, Old Pittwater Road and Cross Street.

Map:



## **SITE HISTORY**

### Modification Application No. 2014/0079

This application sought to modify Development Application No. 2008/1741. The modifications related to internal reconfigurations of the approved expanded retail floor area, alterations to the Palm Tree and Starfish Car parks, landscaping, site works and extension of construction hours.

The application was approved by the Warringah Development Assessment Panel (WDAP) 15 September 2014.

### Development Application No. 2008/1741

This application sought consent for the partial demolition of existing buildings and construction of an extension to the Warringah Mall Shopping Centre, resulting in the provision of an additional 8,000m<sup>2</sup> Gross Leasable Floor Area (GLFA). Specifically, the application included the partial demolition of existing buildings and construction of an extension to Warringah Mall Shopping Centre, including 2 levels of retail and a multi level carpark located on the corner of Green Street and Cross Street.

This application was granted Deferred Commencement Approval by the Warringah Development Assessment Panel (WDAP) on 28 April 2010. The Deferred Commencement Conditions were satisfied and the consent became operative on 23 August 2013.

### Development Application No. 2008/1742

This application was lodged in-conjunction with DA2008/1741 and included the construction of drainage

works through the Warringah Mall Shopping Centre site. The proposed drainage works included the construction of culverts under Condamine Street and works within the Warringah Golf Club and drainage works around the western side of the centre including new inlets and pipes. Existing landscaping is to be removed along the Frontage to Cross Street.

This application was granted Deferred Commencement Approval by Council's Applications Determination Panel (ADP) on 16 May 2012.

## **PROPOSED DEVELOPMENT IN DETAIL**

The applicant seeks to modify Development Consent DA2008/1741 in accordance with the provisions of Section 96 (1A) of the Environmental Planning and Assessment Act 1979 in the following way:

- Expansion of an existing Level 02 retail tenancy and removal of the previously approved Centre Management office space
- Incorporation of a car wash bay and associated storage/office spaces within the approved Level 01 Stage 1 Palm Tree car park
- Incorporation of a storage room at the roof level in Zone B over with the Myer building
- Retail configuration within the North Court and the clarification of existing retail 'reserve and storage' areas as specialty reserve'.

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment A.

## **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)**

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:  
The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for DA2008/1741, MOD2014/0079, MOD2014/0200, MOD2014/2030 and DA2008/1742 in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under Section 96(1A) of the Environmental Planning and Assessment Act, 1979, are:

<b>Section 96(1A) - Other Modifications</b>	<b>Comments</b>
	A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:



<b>Section 96(1A) - Other Modifications</b>	<b>Comments</b>
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The development, as proposed, has been found to be such that Council is satisfied that the proposed works are substantially the same as those already approved under DA2008/1741
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Development Application DA2008/1741 did not require concurrence from the relevant Minister, public authority or approval body.
(c) it has notified the application in accordance with:  (i) the regulations, if the regulations so require,  or  (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Warringah Local Environment Plan 2011 and Warringah Development Control Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

### **Section 79C Assessment**

In accordance with Section 96(3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 96 the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 79C (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 79C (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider Prescribed conditions of development consent. These matters have been addressed via a condition in the original consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No Additional information was requested.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. These matters have been addressed via a condition in the original consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition in the original consent.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of</p>

Section 79C 'Matters for Consideration'	Comments
	a Construction Certificate. This clause is not relevant to this application.
Section 79C (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 79C (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Public Exhibition” in this report.
Section 79C (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

## EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

## NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Warringah Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## MEDIATION

No requests for mediation have been made in relation to this application.

## REFERRALS

Internal Referral Body	Comments
Development Engineers	A review of the modifications indicates that there is no impact on the previously approved drainage and flood works as a result of the proposal.  No objection to approval and no conditions are recommended.
Strategic Planning - Urban Design	No objections raised to the proposed modifications.
Traffic Engineer	There is no objection to the proposed car wash contained within the car parking area if there is to be no reduction in the amount of car parking provided from previous approvals.

External Referral Body	Comments

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

#### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

#### State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

Nil

#### Warringah Local Environment Plan 2011

Is the development permissible?	Zone B3 : Yes Zone IN1: Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

#### Principal Development Standards

Development Standard	Requirement	Approved	Proposed	% Variation	Complies
Minimum subdivision lot size:	N/A	N/A	N/A	N/A	N/A
Height of Buildings:	N/A	N/A	N/A- Refer to G4 - Warringah Mall under the WDCP for Building Height controls.	N/A	N/A
Rural Subdivision:	N/A	N/A	N/A	N/A	N/A
No Strata Plan or Community Title Subdivisions in certain rural and environmental zones:	N/A	N/A	N/A	N/A	N/A

#### Compliance Assessment



Clause	Compliance with Requirements
4.3 Height of buildings	N/A
6.4 Development on sloping land	Yes

## Warringah Development Control Plan

### Built Form Controls

The applicable Built Form Controls for the site are contained within Part G Special Area Controls - G4 Warringah Mall of the WDCP.

Refer to the G4 - Warringah Mall under the WDCP section of this report for an assessment of the proposed built form.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
Non-Residential Development	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes
D20 Safety and Security	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
E1 Private Property Tree Management	Yes	Yes
E10 Landslip Risk	Yes	Yes
G4 Warringah Mall	Yes	Yes

## Detailed Assessment

### **G4 Warringah Mall**

This DCP applies to Lot 100, DP 1015283, 145 Old Pittwater Road, Brookvale which is commonly referred to as 'Warringah Mall Shopping Centre'

The objectives of this DCP are as follows:

- *To guide future development within the Warringah Mall Shopping Centre (Warringah Mall) site to 2021.*
- *To ensure development responds to the characteristics of the site and surrounds, and the amenity of the surrounding neighbourhood.*
- *To encourage and facilitate high quality urban design, landscaping, external finishes and signage.*

#### Comment:

The proposed modifications ensure that future development at Warringah Mall responds to the characteristics of the site and its surrounds, including the amenity of the surrounding neighbourhood.

The modifications are located on the roof top and internally within the existing development away from the direct view of the public, allowing the high quality urban design of the building to be unaffected. Additionally, external finishes will allow the modifications to blend in with the surrounding landscape.

### **Warringah Development Control Plan – G4 Warringah Mall**

The proposed development's consistency with the objectives and requirements of the applicable controls within the *Warringah Development Control Plan – G4 Warringah Mall* are considered in detail below.

Built Form
Design Quality & Excellence
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• <i>To ensure that new development makes a positive contribution to the streetscape and public domain.</i></li> <li>• <i>To ensure a high standard of architectural design.</i></li> <li>• <i>To achieve high quality urban design internally and externally and high levels of pedestrian comfort in the public spaces of the centre.</i></li> <li>• <i>To emphasise key nodes and entry points to create a sense of arrival.</i></li> <li>• <i>To encourage the use of high quality, durable and robust materials.</i></li> <li>• <i>To ensure the design response reflects the Northern Beaches vernacular/lifestyle.</i></li> </ul>
<p><u>Comment:</u></p> <p>The proposed modification for a storage room on the roof level above the Myer building compliments the existing roof form that contains other storage facilities and plant rooms. The modification will use</p>

similar and complementary materials that are used on existing facilities allowing the architectural and urban design to be streamlined and undisturbed. These materials will be high quality, durable and robust to ensure they can handle exposure to the elements on the roof whilst satisfying the architectural design of the building.

Requirements	Complies
1. Future development on or adjacent to the perimeter of the site must be designed to positively address the street, relate to the natural environment and create a clear distinction between the public and the private domain.	<b>Yes</b>
2. Future development on the site is to incorporate design elements that optimize the use of natural light and the ambient environment to the pedestrian malls within the Centre.	<b>Yes</b>
3. New development along the southern edge of the site must not result in any unreasonable impacts on the amenity of residential properties in Old Pittwater Road and Smith Avenue.	<b>N/A</b>
4. New development along the eastern frontage to Pittwater Road/Condamine Street must incorporate a legible pedestrian connection from the street into the centre that is conveniently located in relation to existing bus stops.	<b>N/A</b>
5. All future development must be designed to strongly and positively reinforce the corners of the site and street alignment and frame the street. Incorporating landmark or distinctive building elements on "Gateway" street corners is encouraged.	<b>Yes</b>
6. Long continuous walls are to incorporate design treatments to reduce their visual mass and bulk. Such design treatments may include the use of architectural treatments or elements that serve to provide building articulation and modulation and the use of a variety of high quality external colours and materials.	<b>Yes</b>
7. Views of the ground level car parking areas must be suitably screened from the street by either landscaping or an appropriate architectural building facade treatment.	<b>Yes</b>
8. High quality, attractive and durable materials are to be used. The selection of colours is to respond to the natural landscape. A detailed schedule of external colours and finishes, a sample board and photo-montages are to be submitted with any application to alter or extend the external façade and roof of Warringah Mall.	<b>Yes</b>
9. The roof is to be designed so that the visual impact of the roof form is minimised.	<b>Yes</b>
10. Rooftop plant and equipment are to be integrated into the building/roof forms or screened in a manner compatible with the building design to minimise visual and acoustic impacts on the surrounding properties, including elevated properties which have views over the centre.	<b>N/A - No new plant is proposed.</b>

### Building Setbacks and Street Frontages

#### Objectives

- *To protect and enhance the visual quality of streetscapes and public domain spaces.*
- *To ensure an appropriate interface with adjoining and surrounding land uses and streets is provided.*
- *To allow for the existing site landscaping to be retained and enhanced.*

Comment:

There is no change to the approved building setbacks or street frontages.

Requirements	Complies
11. Setbacks are to be consistent with those shown in Figure 2 (refer to the attached G4 - Warringah Mall DCP). Note: The calculation of the setback dimensions along the Green Street and Cross Street frontages (west of Green Street) excludes projections for architectural features and car park ramps which may project into the setback area as identified on Figure 2.	N/A - Existing unchanged setbacks to the buildings.
12. In the event that there is a change to the current title boundary, the setback as nominated in Figure 2 is to be measured from the new boundary alignment.	N/A - No change to title boundaries.
16. <b>Corner of Cross Street and Green Street</b> Future development at the corner of Cross Street and Green Street is to be designed to strongly and positively identify this location as a key "Gateway" entry to the centre. An illustrative example of possible future development outcomes at this location is shown at Figure 7 (refer to the attached G4 - Warringah Mall DCP).	N/A - No change to the built form addressing the corner of Cross Street and Green Street

### Building Height

#### Objectives

- *To provide street edge definition along the main eastern frontage of the site.*
- *To provide street edges which reinforce, improve or support the hierarchy and character of streets.*
- *To achieve comfortable street environments for pedestrians in terms of daylight, human scale, sense of enclosure and wind mitigation as well as a healthy and sustainable environment for street trees.*
- *To ensure solar access to residential properties and public spaces is protected.*

Comment:

The proposed amendment on the roof level above the Myer Building is 2.5m over the DCP height limit of RL 28.00m. However, other buildings and existing plant rooms on the roof top vicinity also exceed the required height limit by some 7.1 m. Therefore, the proposed facility would not become visually dominant or obtrusive, rather comfortably fitting within the present landscape.

This is supported by the View Impact study that indicated the proposed roof top storage will have minor impacts on the view, maintaining the amenity of surrounding and nearby properties and the public domain.

Further, councils urban designer has reviewed the proposed modifications and View Impact Study and raises no objections.

Requirements	Complies
<p>17. New development is to comply with the maximum building heights as shown at Figure 2 except where provided for in the following requirement.</p>	<p>The proposed amendment on the roof level above the Myer Building is 2.5m over the DCP height limit of RL 28.00m. However, other buildings and existing plant rooms on the roof top vicinity also exceed the required height limit by some 7.1 m. Therefore, the proposed facility would not become visually dominant or obtrusive, rather comfortably fitting within the present landscape.</p> <p>This is supported by the View Impact study that indicated the proposed roof top storage will have minor impacts on the view, maintaining the amenity of surrounding and nearby properties and the public domain.</p> <p>Further, councils urban designer has reviewed the proposed modifications and View Impact Study and raises no objections.</p>
<p>18. Development may exceed the maximum height controls shown at Figure 2 only in the following circumstances:</p> <p><b>(a) Architectural roof features</b> Architectural roof features may exceed the height controls but only if the consent authority is satisfied that the architectural roof feature:</p> <ul style="list-style-type: none"> <li>• satisfies the objectives of the height control, and</li> <li>• comprises a decorative element on the uppermost portion of a building, and</li> <li>• does not include floor space area and is not reasonably capable of modification to include floor space area, and</li> <li>• does not provide access for recreational purposes, and</li> <li>• is not a structure designed specifically for signage or advertising, and</li> <li>• is an integral part of the design of the building in its context, and</li> <li>• will have minimal overshadowing impact, and</li> <li>• does not add to the visual bulk of the building.</li> </ul> <p><b>(b) Plant and equipment</b> Any ancillary plant, equipment or access point may exceed the height controls but only if the consent authority is satisfied that:</p> <ul style="list-style-type: none"> <li>• The height of plant, equipment or access point does not exceed 3.0m.</li> <li>• The total area of the equipment does not exceed 10% of the roof area.</li> </ul>	<p><b>N/A</b> - There are no new plant or architectural roof features proposed.</p>



- The plant, equipment and access point is integrated with the architectural design of the building/roof.
- The plant or access point is centrally located within the roof area to minimize the visibility of these structures when viewed from surrounding properties and the public domain.

## Floor Space

### Objectives

- *To facilitate the provision of a wide range of retail, business, office, entertainment, community and other suitable land uses that service the needs of the local and wider community and a growing workforce and population.*
- *To facilitate the future growth of the shopping centre to support the role of Warringah Mall as a retail centre of sub-regional significance.*

### Comment:

The modification proposes an additional Gross Leasable Area (GLA) of 1,106m<sup>2</sup> on the Level 02, 66m<sup>2</sup> on Level 01 and 103m<sup>2</sup> on Ground Floor. This will result in a total of GLA of 7,948m<sup>2</sup> still under the available 8,000m<sup>2</sup> of retail expansion provided through the Development Application No. 2008/1471. It should be noted that the approved demolition of the Bing Lee and HCF & Godfather Building retail space, as part of MOD 2014/0285, decreases the GLA by 2,634m<sup>2</sup>. This allows the new modification to be acceptable as this demolished GLA will be absorbed into new sections of the building. On Level 02 part of the existing approved centre management space will be converted into new GLA to expand the available shopping facilities. A Car Wash Bay and associated office space is proposed to be included on Level 1 of the Palm Tree car park and the Ground Floor will expand its GLA by reconfiguring the retail space located at the rear of the tenancies previously allocated as reserve floor space. These proposed modifications support the future growth of the shopping centre.

Requirements	Complies
19. The existing centre currently provides 127,878m <sup>2</sup> of Gross Leasable Floor Area (GLFA). The existing shopping centre may be expanded by 35,000m <sup>2</sup> GLFA subject to compliance with all other relevant planning objectives and requirements.	<b>Yes</b>

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

## CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

## POLICY CONTROLS

### Warringah Section 94A Development Contribution Plan

Section 94 contributions were levied on the Development Application.

## CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

## RECOMMENDATION

THAT Council as the consent authority grant approval Modification Application No. Mod2015/0246 for Modification of Consent DA2008/1741 granted for Partial demolition of existing buildings, construction of an extension to the Warringah Mall including two levels of retail floorspace, a multi-level car park and associated stormwater works. on land at Lot 100 DP 1015283,145 Old Pittwater Road, BROOKVALE, subject to the conditions printed below:

### A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

#### a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA 01.5201 Rev F	29/10/2015	Scentre Group
DA 01.5202 Rev F	29/10/2015	Scentre Group
DA 01.5203 Rev F	29/10/2015	Scentre Group
DA 01.5205 Rev F	29/10/2015	Scentre Group

DA 01.5206 Rev F	30/10/2015	Scentre Group
DA 01.5251 Rev F	22/10/2015	Scentre Group
DA 01.5252 Rev F	22/10/2015	Scentre Group
DA 01.5303 Rev F	30/10/2015	Scentre Group

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.  
(DACPLB01)

**B. Add Condition No. 63B Occupation of Level 02 tenancy, car wash bay and associated office and reconfiguration of tenancies within the North Court to read as follows:**

**63B. Occupation of Level 02 tenancy, car wash bay and associated office and reconfiguration of tenancies within the North Court**

The Level 02 tenancy, car wash bay and associated office and reconfigured tenancies within the North Court which are the subject of this application and as shown on the approved plans, are not to be occupied until such time as the HCF/Godfathers building and Bing Lee buildings are demolished or are no longer occupied/trading.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure consistency with development consents applying to the site.

I am aware of Warringah's Code of Conduct and, in signing this report, declare that I do not have a Conflict of Interest.

**Signed**

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**Luke Perry, Planner**

The application is determined under the delegated authority of:


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**Rodney Piggott, Development Assessment Manager**
















**ATTACHMENT A**

No notification plan recorded.

**ATTACHMENT B**

<b>Notification Document</b>	<b>Title</b>	<b>Date</b>
 2015/336117	Notification map	12/11/2015

**ATTACHMENT C**

<b>Reference Number</b>	<b>Document</b>	<b>Date</b>
 2015/329938	Plans - Architectural	02/11/2015
 2015/329939	Report - Compliance Assessment	02/11/2015
 2015/329935	Report Statement of Environmental Effects	02/11/2015
 MOD2015/0246	Warringah Mall 145 Old Pittwater Road BROOKVALE NSW 2100 - Section 96 Modifications - Section 96 (1a) Minor Environmental Impact	02/11/2015
 2015/324292	DA Acknowledgement Letter - Scentre Group Ltd	02/11/2015
 2015/329911	Modification Application Form	06/11/2015
 2015/329919	Applicant Details	06/11/2015
 2015/329931	Plans - Notification	06/11/2015
 2015/333175	File Cover	10/11/2015
 2015/333203	Referral to AUSGRID - SEPP - Infrastructure 2007	10/11/2015
 2015/336117	Notification map	12/11/2015
 2015/341125	Development Engineering Referral Response	17/11/2015
 2015/358297	Traffic Engineer Referral Response	02/12/2015
 2015/372711	Urban Design Referral Response	15/12/2015
 2016/048372	Cancelled	15/02/2016